UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 12 2019

Vernon H. Crockett
Chief, Industrial Hazardous Waste Branch
Land Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

SUBJ: Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Kohler Company
EPA ID Number: ALD057202558

Dear Mr. Crockett:

On April 17, 2019, the U.S. Environmental Protection Agency, along with the Alabama Department of Environmental Management, conducted a CEI at the Kohler Company facility, located at 176 Cochran Road in Huntsville, Alabama, to determine the facility's compliance status with RCRA and applicable regulations.

Enclosed is the EPA's CEI report that indicates deficiencies of RCRA were discovered. Pursuant to the 2003 Hazardous Waste Civil Enforcement Response Policy, it appears that the facility is a significant non-complier (SNC). Please follow-up with Kohler Company to ensure the deficiencies have been addressed and pursue appropriate enforcement.

If you have any questions regarding this matter, please contact Paula Whiting by phone at (404) 562-9277 or by email at whiting.paula@epa.gov.

Sincerely,

for

Alan A. Annicella
Chief
Land, Asbestos and Lead Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 12 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Denise Bottomley
Associate EHS Plant Specialist
Kohler Company
176 Cochran Road
Huntsville, Alabama 35824

SUBJ: Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Kohler Company
EPA ID # ALD057202558

Dear Mrs. Bottomley:

On April 17, 2019, the U.S. Environmental Protection Agency, along with the Alabama Department of Environmental Management, conducted a CEI at Kohler Company located at 176 Cochran Road, Huntsville, Alabama, to determine the facility's compliance status with RCRA and applicable regulations.

Enclosed is the EPA RCRA inspection report, which indicates that potential deficiencies of RCRA were discovered during the inspection. A copy of this report has been forwarded to the Alabama Department of Environmental Management for follow-up.

If you have any questions regarding this matter, please contact Paula Whiting by phone at (404) 562-9277 or by email at whiting.paula@epa.gov.

Sincerely,

FOR

Alan A. Annicella
Chief
Land, Asbestos and Lead Section

Enclosure

cc: Corey Holmes, Industrial Hazardous Waste Program, ADEM Land Division

RCRA Inspection Report

1) Inspectors and Authors of Report

Paula A. Whiting
Environmental Engineer
U.S. Environmental Protection Agency, Region 4
Land, Asbestos and Lead Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9277

2) Facility Information

Kohler Company
176 Cochran Road
Huntsville, Alabama 35824
Sumter County
EPA ID: ALD057202558

3) Responsible Official

Denise Bottomley, Associate EHS Plant Specialist

4) Inspection Participants

Joe Bastow	Kohler Company
Michele Hitt	Kohler Company
Denise Bottomley	Kohler Company
Corey Holmes	ADEM Land Division
Craig Schimmer	ADEM Land Division
Paula Whiting	US EPA Region 4 Atlanta

5) Date and Time of Inspection

April 17, 2019 at 9:08 a.m. CDT

6) Applicable Regulations

Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6921 – 6939g), the Alabama Hazardous Waste Management and Minimization Act of 1978, Ala. Code § 22-30-1 *et seq.*; 40 Code of Federal Regulation (C.F.R.), Parts 260 - 270, 273 & 279, and rules 335-14-1 to 335-14-17 (2016 and 2018) of the Alabama Department of Environmental Management (ADEM) Administrative Code (ADEM Admin. Code).

As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7) [40 C.F.R. § 262.17], a LQG may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 22-30-12(b) of the AHWMMA, Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in ADEM Admin. Code r. 335-14-3-.01(7) [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a) [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by Section 22-30-12(b) of the AHWMMA, Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with ADEM Admin. Code r. 335-14-3-.01(6)(b) or 335-14-3-.01(7)(a) [40 C.F.R. § 262.16(b) or §262.17(a)], except as required in ADEM Admin. Code r. 335-14-3-.01(5)(a)7. and 8. [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in ADEM Admin. Code r. 335-14-3-.01(5)(a) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

7) **Purpose of Inspection**

The purpose of the inspection was to conduct an unannounced RCRA compliance evaluation inspection (CEI) to determine the compliance of Kohler Company, EPA ID# ALD057202558 with the applicable regulations.

8) **Facility Description**

Kohler Company (Kohler) in Huntsville, Alabama, specializes in the manufacturing of molded bathtubs, shower receptacles, wall sets and sinks (Picture 1). This facility manufactures Vikrell®, a brand name of plumbing structures made from a sheet molding compound consisting of calcium carbonate and polyresin reinforced by fiberglass. The Vikrell® compound is mixed and extruded into a continuous flow operation and put between two sheets. The compound is then placed into a bin for curing up to 3 days. The compound is heated up, unrolled, cut and folded into the specific shape needed to lay into the mold machine and pressed into the molded structure. The hardened structure is then trimmed of excess compound.

Kohler has 40.7 main campus acres and 81.3 off-campus acres. The facility is 650,000 square feet of production area with 23 press cells and currently expanding to 800,000 square feet and seven more press cells. Kohler employs approximately 500 employees with 25 employees that handle hazardous waste. The facility operates 7 days per week, 24 hours per day with two to four shifts.

Kohler's most recent Hazardous Waste Generator Notification (EPA Form 8700-12), dated May 29, 2018, characterized the facility as a large quantity generator (LQG) of hazardous waste. Currently, Kohler generates used oil, universal wastes, paint and solvent waste, and other wastes which include

EPA waste codes D001 and F003 wastes.

9) **Previous Inspection History**

This facility was previously last inspected on March 11, 2014 by ADEM. Two violations were found during the inspection and returned to compliance on April 14, 2014.

10) **Findings**

At approximately 9:08 a.m. CDT, the EPA and ADEM inspectors arrived at the Kohler facility, presented their credentials to the front desk and signed in. Mr. Joe Bastow, Plant Manager – Associate Director and Mrs. Denise Bottomley, Associate EHS Plant Specialist greeted the inspectors and showed them to the conference room. Mr. Bastow, Mrs. Bottomley and the corporate EHS personnel via telephone met with the inspectors for an opening conference before escorting them around the facility. The inspectors presented their credentials to Mr. Bastow and Mrs. Bottomley at 9:30 a.m. CDT.

At the opening conference, a brief explanation for the purpose of the inspection was given, as well as an introduction of the ADEM and EPA inspectors. The inspectors requested a description of the facility operations. The inspectors then performed a walk-through inspection of specific areas in the facility. Below is a description of the observations made during the walk-through.

10.1 Compounding Department/Vikrell® Room

The Compounding Department mixes and extrudes the Vikrell® compound. At the time of the inspection, one compounding line was in operation. The second line machinery was either being added or replaced by maintenance. Mrs. Michele Hitt, Manager – Quality and Process Engineering, explained that each compounding line generates a satellite accumulation area (SAA) drum of hazardous waste. The hazardous waste is only generated when the process chute is diverted to the clean line and acetone is used to flush the mixer. When all the SAA drums are filled, then they are moved to the less than 90-day hazardous waste storage area (HWSA).

At the time of the inspection, the inspectors observed four empty 55-gallon drums being set out as replacement hazardous waste drums (Picture 2); three full 55-gallon drums of hazardous waste flammable liquid acetone (D001, F003) with one drum not labeled (Pictures 3-8); and three full 55-gallon drums of hazardous waste flammable liquid acetone (D001, F003) sitting on a pallet (Pictures 9-10). None of the full drums were dated. Mr. Marquez Fletcher was moving the full hazardous waste drums onto pallets going to the HWSA.

The inspectors explained to Mrs. Hitt and Mr. Bastow that only one 55-gallon drum can be in a SAA. The inspectors observed a total of six 55-gallon hazardous waste drums being removed from the area.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)6. [40 C.F.R. § 262.15(a)(6)(i-iii)], which is a condition of the SAA Permit Exemption, a generator who accumulates either acute hazardous waste listed in ADEM Admin. Code r. 335-14-2-.04(2) or (4) [40 C.F.R. § 261.31 or §261.33(e)] of this chapter or non-acute hazardous waste in excess of the amounts listed in paragraph (a) of this section at or near any point of generation must do the following: (i)

Comply within three consecutive calendar days with the applicable central accumulation area regulations in ADEM Admin. Code r. 335-14-3-.01(6)(b) or (7)(a) [40 C.F.R. § 262.16(b) or §262.17(a), or (ii)] Remove the excess from the satellite accumulation area within three consecutive calendar days; and (iii) During the three-consecutive-calendar-day period the generator must continue to comply with paragraphs (a)(1) through (5) of this section. The generator must mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

The inspectors then toured the Vikrell® compounding line and observed a 55-gallon SAA drum on the line, a blue 5-gallon container with acetone used to clean the cutter and mop the floor, and a metal mop bucket filled with mop water (Pictures 11-12). The inspectors asked Mrs. Hitt to verify where the spent cleaning acetone and the discarded mop water is disposed of and how often.

10.2 Less than 90-Day Hazardous Waste Storage Area

The less than 90-day HWSA was a separate fenced-in area (Pictures 13-14). Next to the HWSA was the Used Oil Storage. In the HWSA, the inspectors observed the following:

- The "No Smoking" sign missing from each side of the HWSA (Picture 13);
- Three 55-gallon drums of undetermined waste being stored in the front of the HWSA that did not have a waste profile or analysis (Picture 16);
- Sixty 55-gallon drums of hazardous waste flammable liquid acetone (D001, F003) (Pictures 17, 20);
- Three 55-gallon drums of resin silo clean out that did not have a waste profile or analysis (Picture 18);
- Three 55-gallon drums of undetermined material sitting on pallets that did not have a waste profile or analysis (Picture 19); and
- Metal chains with dried residue from the acetone chain cleaner to be recycled as scrap metal (Picture 21).

Pursuant to ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in ADEM Admin. Code r. 335-14-2-.01(2) [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations articulated in ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11]. Nine 55-gallon drums of undetermined waste did not have waste profiles or analyses.

10.3 Used Oil Storage

The Used Oil Storage is located beside the HWSA (Pictures 13, 15). A fence separates the two storage areas and the Used Oil Storage has its own entrance gate. The inspectors observed the following in this storage area:

- Five 250-gallon totes of wastewater generated from the Silo Containment Pit was stored as used oil in front of the storage area (Picture 22-23). One of the totes was not labeled "Used Oil;"
- 20 250-gallon totes, stacked, closed and labeled (Pictures 24, 28);
- A blue metal used oil filter station with a 5-gallon container of used oil underneath (Pictures 25-27). The 5-gallon container was not labeled and not closed; and
- A white 55-gallon drum of used oil that was not labeled and not closed (Pictures 29-31).

Pursuant to ADEM Admin. Code r. 335-14-17-.03 (4)(c)1., [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Pursuant to ADEM Admin. Code r. 335-14-17-.03 (4)(a)1., a container holding used oil must always be closed during storage, except when it is necessary to add or remove used oil.

10.4 Vikrell Dust Collector

The dust collector for the Vikrell Room was located outside of the building. The inspectors observed in this area the dust collector baghouse hopper for the Vikrell Room, a 55-gallon drum connected to the baghouse hopper that was not labeled and did not have a waste profile or analysis (Picture 33), two 55-gallon drums of undetermined waste filled with rain water (Picture 32), and discarded fiberglass on cardboard (Picture 34).

Pursuant to ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in ADEM Admin. Code r. 335-14-2-.01(2) [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations articulated in ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11]. Three drums of undetermined waste were stored in this area.

10.5 Acetone Chain Cleaner

The Acetone Chain Cleaner was inside a small open front building (Picture 35). The equipment sat on secondary containment that was covered in fiberglass debris. The inspectors stated that discarded fiberglass debris in this area needed a waste profile or analysis prior to disposal.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in ADEM Admin. Code r. 335-14-2-.01(2) [40 C.F.R. § 261.2] , must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations articulated in ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11].

10.6 Silo Container Pit

At the time of the inspection, the facility had contractors cleaning out the hardened resin from the secondary containment. Mr. Bastow confirmed that the contractors were only shoveling the resin out and not using solvent to loosen then shovel. However, in this area, a very strong solvent smell was detected. Later in the tour, Mrs. Hitt explained that the strong solvent smell was styrene from the charges (folded Vikrell® compound). The compound when extruded is pressed between two orange films that help reduce the styrene smell. It appears that the strong solvent small was from the discarded film from the charges already pressed into products.

The inspectors observed a 55-gallon SAA drum of resin clean out (Picture 36) and a 55-gallon drum of hazardous waste flammable liquid acetone (D001, F003) in a yellow clam shell (Pictures 37-38). The small bung had been removed and the drum was not closed. Mr. Bastow replaced the bung during the inspection.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)4 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

During the inspection, a stormwater discharge had occurred (Picture 39). The contractor explained that they were looking for the source of the wastewater. However, an environmental vacuum truck would pump out the pit and send a sample for analysis. Mr. Schimmer, ADEM, advised Mr. Bastow, Mrs. Hitt and the contractor to immediately contact ADEM NPDES and notify that office concerning the discharge. As a follow up to the release, the EPA was notified that the facility had not contacted the ADEM NPDES office concerning release of wastewater.

10.7 Compactors

The inspectors observed the facility compactors had leaked hydraulic oil on the surrounding ground (Pictures 40-41). In addition, oil dri had been applied but not clean up, so that the oil dri, trash, debris and cardboard were saturated with the released hydraulic oil.

Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(d) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.

10.8 Maintenance

The Maintenance shop maintains the spent aerosol can drum, however the employees were unable to locate the drum during the inspection. The shop had three 55-gallon drums in the area. One drum contained non-hazardous drained used oil filters, the second drum had spent alkaline batteries and the third drum had an undetermined material (Picture 42). The drum was not labeled (Picture 43).

Pursuant to ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in ADEM Admin. Code r. 335-14-2-.01(2) [40 C.F.R. § 261.2] , must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations articulated in ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11].

10.9 MRO Storeroom

The universal waste lamps were stored in the MRO Storeroom. The inspectors observed two universal waste lamp boxes (Picture 44). The 4-foot box contained five spent fluorescent lamps and 15 new lamps (Picture 45). The 8-foot box contained one lamp not fully contained and smaller lamps covered in bubble wrap (Picture 46). The boxes were not closed, not labeled and not dated.

Pursuant ADEM Admin. Code r. 335-14-11-.02(4)(d) [40 C.F.R. § 273.13(d)], a small quantity handler of universal waste (SQHUW) must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.

Pursuant to ADEM Admin. Code r. 335-14-11-.02(5)(c) [40 C.F.R. § 273.14(c)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases:

"Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."

Pursuant to ADEM Admin. Code r. 335-14-11-.02(6)(a) and (c) [40 C.F.R. § 273.15(a) and (c)], a SQHUW may accumulate universal waste no longer than one year and must to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

10.10 Lowe's (Outside) Warehouse

The Lowe's (Outside) Warehouse is located a half a block down the street from the main facility. This warehouse stores the finished products that will be shipped to the Lowe's stores. In the main warehouse the inspectors observed a 55-gallon drum with a tin oil can sitting on the lid (Picture 47). The drum was partially full, not labeled and the contents were undetermined.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in ADEM Admin. Code r. 335-14-2-.01(2) [40 C.F.R. § 261.2] , must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations articulated in ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11].

The second area in the warehouse was for Direct Print. This area is for the test printing of wall set patterns using an ink printer. The inspectors observed a 55-gallon SAA drum of hazardous waste flammable liquid acetone (D001, F003) and an empty drum for later use beside it (Pictures 48-50). The waste acetone drum was labeled, not closed and not sitting in secondary containment. Both drums were sitting on a wooden pallet.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)4 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Beside the printing operation was a central dust collector with a baghouse and four 55-gallon drums collecting dust (Picture 51). The inspectors were told a waste profile or analysis had not been conducted on the baghouse dust. In addition, the inspectors asked if the ink cartridges were recycled back to the manufacturer or disposed of, and where and how was the mop water disposed of. The answer was not available at the time of the inspection.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in ADEM Admin. Code r. 335-14-2-.01(2) [40 C.F.R. § 261.2] , must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations articulated in ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11]. The dust collector baghouse dust, the discarded ink cartridges and the mop water did not have waste profiles or analyses.

Records Review

The inspectors requested the training records, the contingency plan, the weekly inspection records, the waste profiles, the waste minimization plan, weekly inspection logs, the 2016-2019 hazardous, non-hazardous, and used oil manifests. The generator status notification (EPA Form 8700-12) was last updated May 29, 2018.

The inspectors requested the training records for the employees handling hazardous waste. Training records for Marquez Fletcher and Denise Bottomley were provided. Mr. Fletcher was provided Hazardous Waste Management training by Kohler corporate EHS Samantha Randall on October 2, 2017. No training for Mr. Fletcher was available for 2018.

Mrs. Bottomley started her current position on March 1, 2018 and received hazardous waste training by corporate EHS on May 9, 2018. In addition, Mrs. Bottomley conducts hazardous training to the employees onsite. However, Mrs. Bottomley has not received 40-Hour RCRA hazardous waste training prior to providing employee training

The inspectors requested the job titles and descriptions; however, the job tile and description were not available at the time of the inspection.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7.(i-iv) [40 C.F.R. § 262.17(a)(7)(i-iv)], which is a condition of the LQG Permit Exemption, the generator must maintain training records that include, among others: (i) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the regulations; (ii) Facility personnel must complete personnel training within six months of being hired or of being assigned to a new position at the Facility; (iii) Facility personnel must take part in an annual review of the initial training required by this section; and (iv) the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; a written job description for each position; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and records documenting that the training required has been given to and completed by Facility personnel.

The inspectors requested the Hazardous Waste Contingency Plan updated on September 21, 2015 and reviewed by the facility on January 30, 2019 for review. The plan included an emergency contact list, a current evacuation map, a fire extinguisher inspection list, and a list of emergency response equipment. However, documentation (i.e., green return receipt cards, emails) that copies of the contingency plan were provided to the local emergency response agencies (i.e., fire, police, hospital) were not available.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)6. [40 C.F.R. § 262.17(a)(6)], which incorporates ADEM Admin. Code r. 334-14-3-.14(7) [40 C.F.R. § 262.256(b)], and is a condition of the LQG Permit Exemption, a generator must maintain records documenting the arrangements made.

In addition, the updated regulation under the Generator Improvement Rule, requires that the generator amending its contingency plan submit a Quick Reference Guide of the contingency plan to

the local emergency responders to have the following information:

(1) The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid);
(2) The estimated maximum amount of each hazardous waste that may be present at any one time;
(3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff;
(4) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes;
(5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;
(6) The locations of water supply (e.g., fire hydrant and its flow rate);
(7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and
(8) The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

At the time, of the inspection, the current contingency plan had not been updated after May 2017, and the Quick Reference Guide was not required at this time.

The inspectors reviewed the weekly inspection records for 2016-2019 for the facility. The inspectors observed that inspections for September 2-30, 2017 and October 8, 2017-March 20, 2018 were not conducted. The inspections conducted on February 9, 2017; May 4, 2018 and October 8, 2018 were not signed.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(v) [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

The waste minimization plan was requested. The plan provided and reviewed was updated June 18, 2014.

Hazardous and non-hazardous manifests were reviewed for 2017-2019. Polyester resin debris (flammable liquid) were shipped to Republic Services Morris Landfill in Hillsboro, AL.

Hazardous and universal wastes and used oil were shipped to the following facilities:
Clean Earth of Alabama, LLC (EPA ID ALD981020894) in Glencoe, AL;
Clean Harbors El Dorado LLC (EPA ID ARD069748192) in El Dorado, AR;
Universal Environmental Services (EPA ID ALD079119558) in Trussville, AL; and
Giant Resources Recovery Attalla, Inc. (EPA ID ALD070513767) in Attalla, AL;
The land disposal restriction forms were reviewed.

The inspectors requested and reviewed waste profiles for polyester resin absorbents, resin solution and the Vikrell® dust. Safety data sheets (SDS) were provided and reviewed for the hardened resin

being shoveled into drums. No information was available for the Vikrell® dust. The inspectors reminded Kohler that pursuant to ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in ADEM Admin. Code r. 335-14-2-.01(2) [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations must determine if that waste is a hazardous waste following the methods articulated in ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11]. Wastes that have been generated pending a waste analysis should be closed, dated, and labeled "pending analysis" until the waste analysis results are obtained.

11) **Summary**

The inspectors conducted the exit meeting with Mrs. Bottomley, Mr. Bastow, Mr. Dustin Alford, Senior EHS Specialist, Mrs Hitt and corporate EHS via conference call. During this meeting, the EPA and ADEM presented the preliminary results of the inspection. Kohler Company was inspected as a large quantity generator of hazardous waste, the facility appeared to be deficient with some requirements of RCRA.

12) **Signed**

Paula A. Whiting
Environmental Engineer

6/12/19
Date

Concurrence

Alan A. Annicella,
Chief
Land, Asbestos and Lead Section

6/12/19
Date

ATTACHMENT A

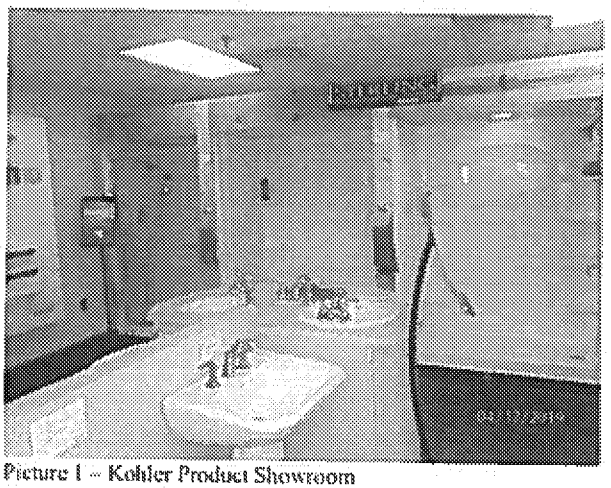
KOHLER COMPANY

HUNTSVILLE, ALABAMA

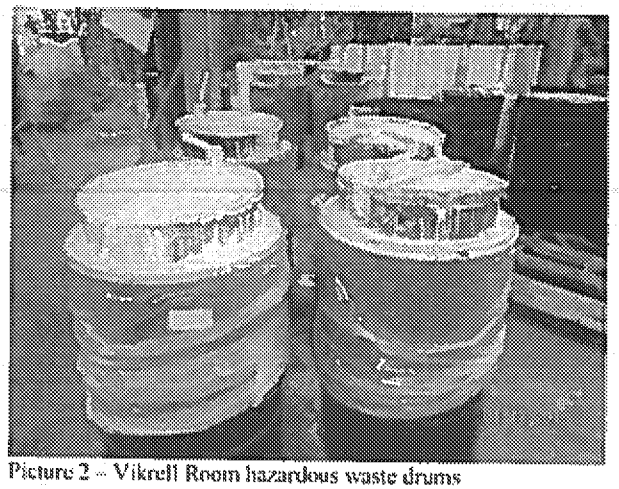
COMPLIANCE EVALUATION INSPECTION PHOTOGRAPHS

April 17, 2019

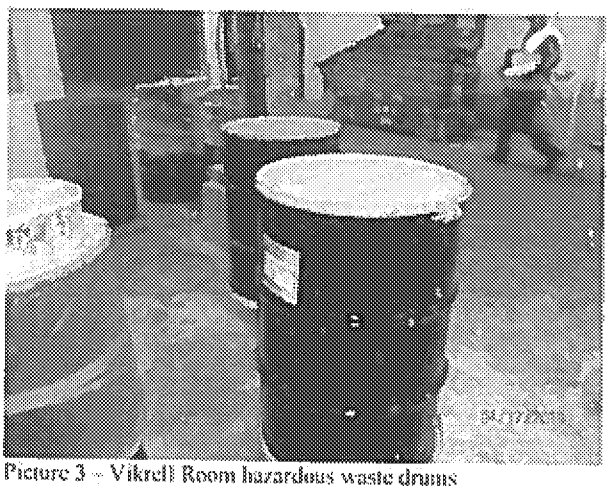
Photos taken by Paula A. Whiting
Camera Type: Olympus Tough
Serial Number: SC7374



Picture 1 – Kohler Product Showroom

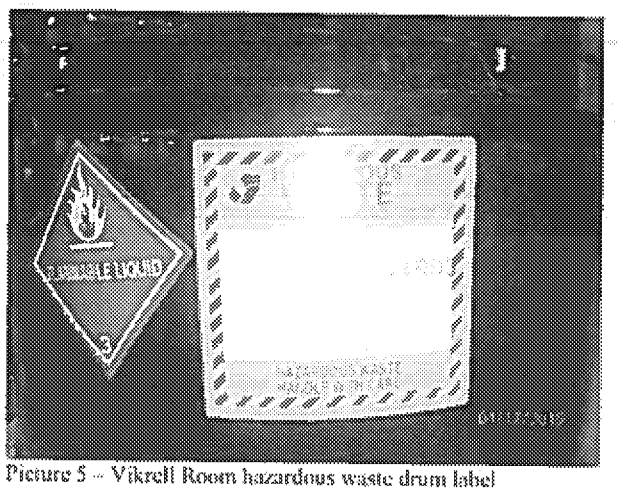


Picture 2 – Vikrell Room hazardous waste drums

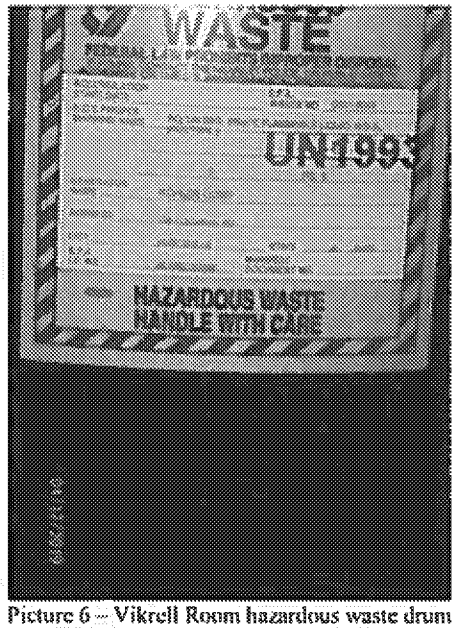


Picture 3 – Vikrell Room hazardous waste drums

Picture 4 – Vikrell Room hazardous waste drum

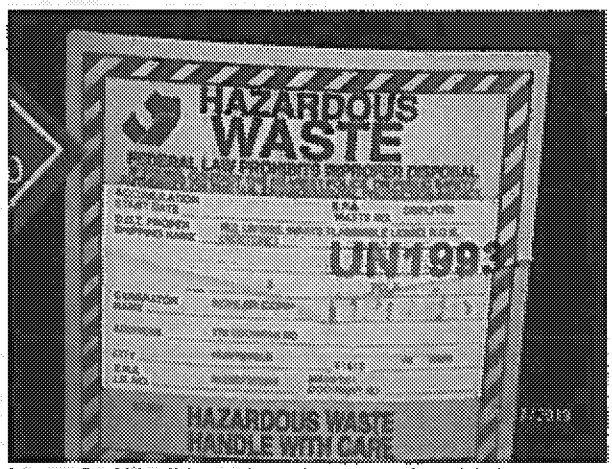


Picture 5 – Vikrell Room hazardous waste drum label



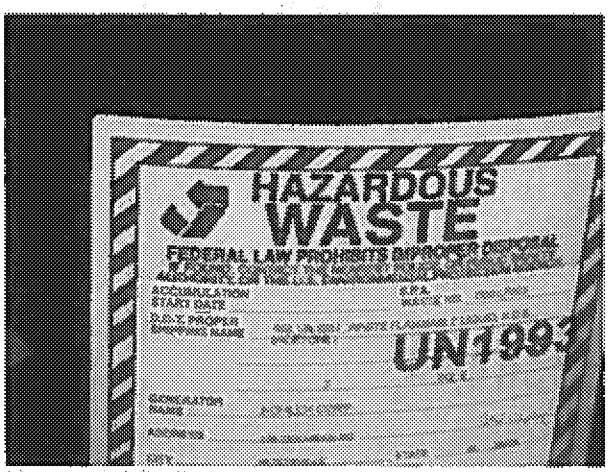
Picture 6 – Vikrell Room hazardous waste drum label


Picture 8 – Vikrell Room hazardous waste drum not labeled

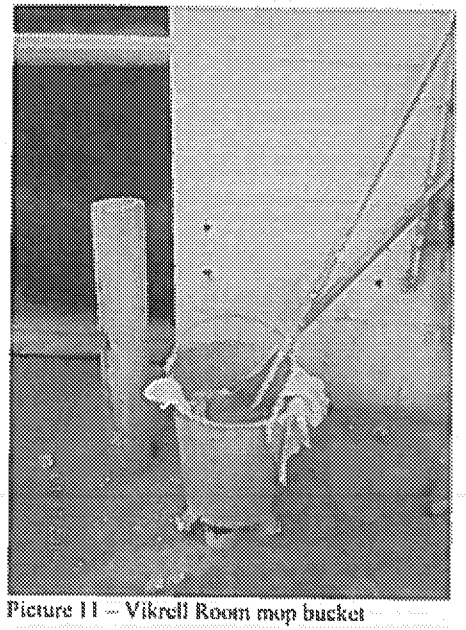


Picture 7 – Vikrell Room hazardous waste drum label

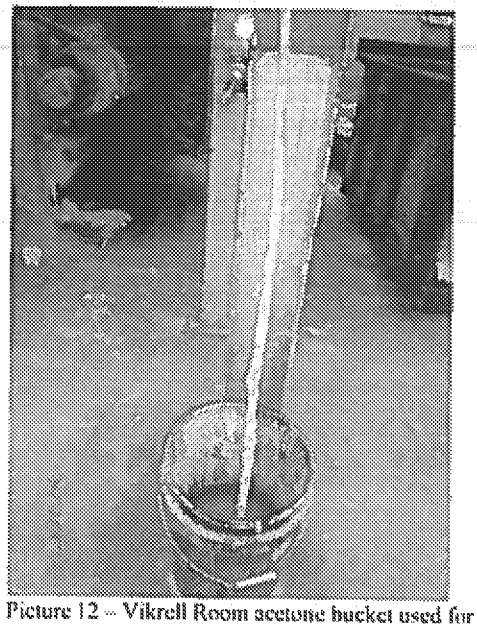

Picture 9 – Vikrell Room hazardous waste drums



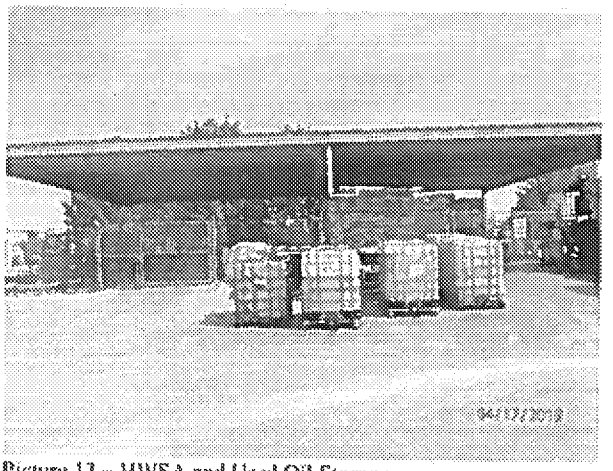
Picture 10 – Vikrell Room hazardous waste drum label



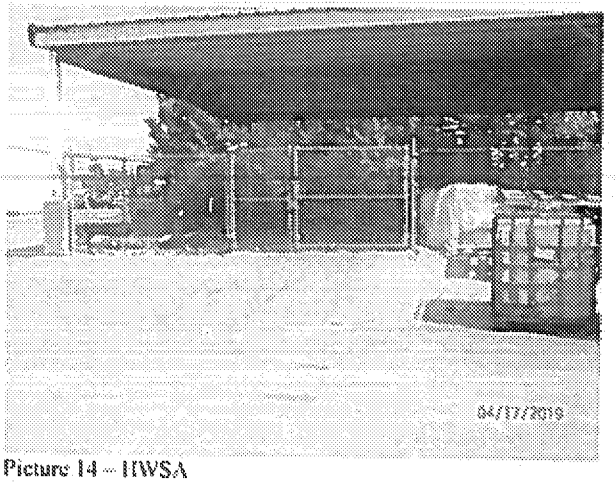
Picture 11 – Vikrell Room mop bucket



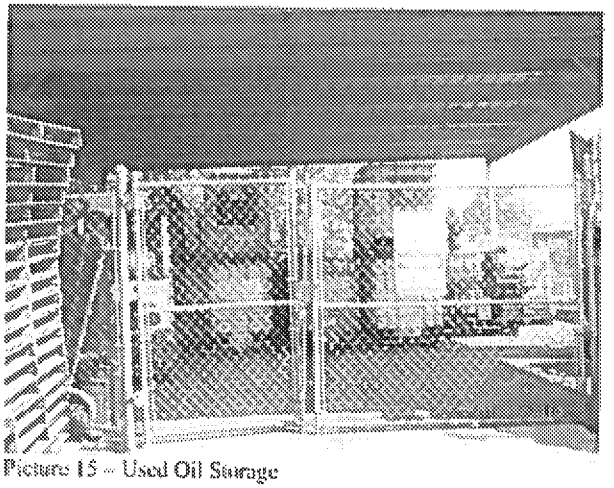
Picture 12 – Vikrell Room acetone bucket used for cleaning



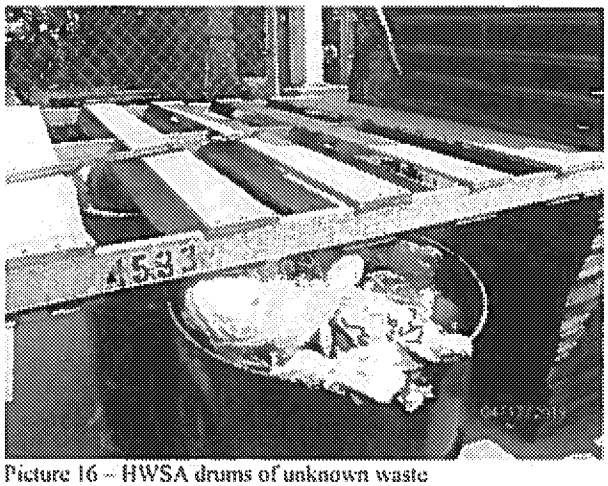
Picture 13 – HWSA and Used Oil Storage



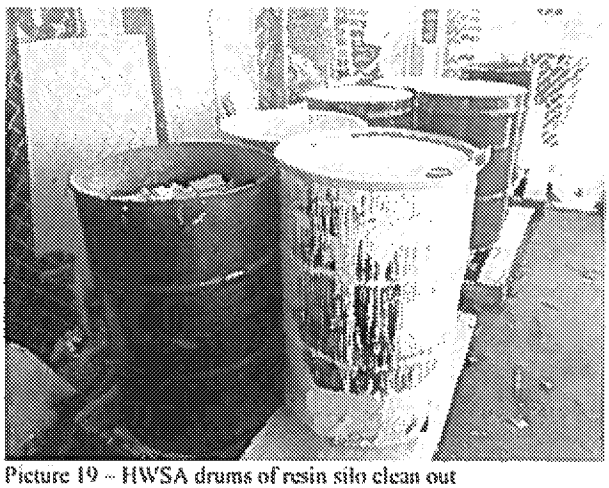
Picture 14 – HWSA



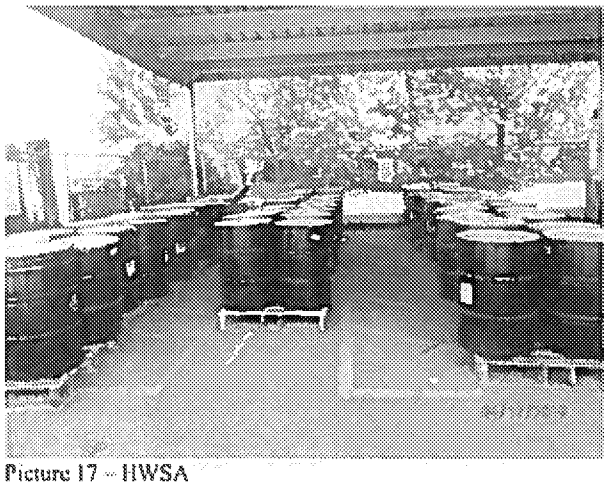
Picture 15 – Used Oil Storage



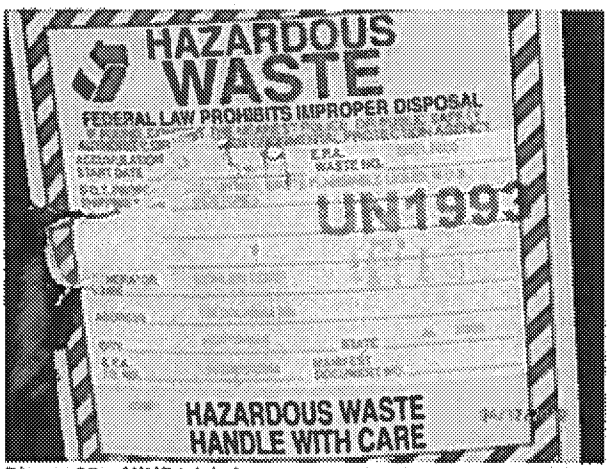
Picture 16 – HWSA drums of unknown waste



Picture 19 – HWSA drums of resin silo clean out

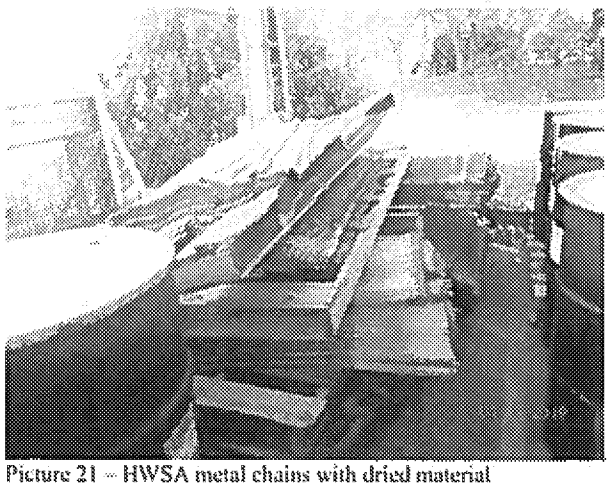


Picture 17 – HWSA

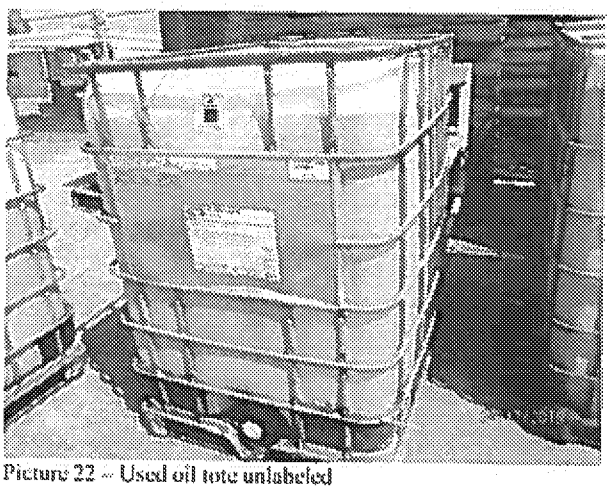


Picture 20 – HWSA label

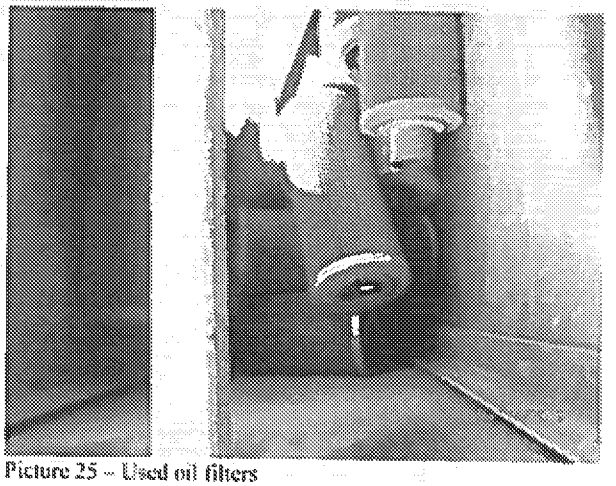
Picture 18 – HWSA drums of resin silo clean out



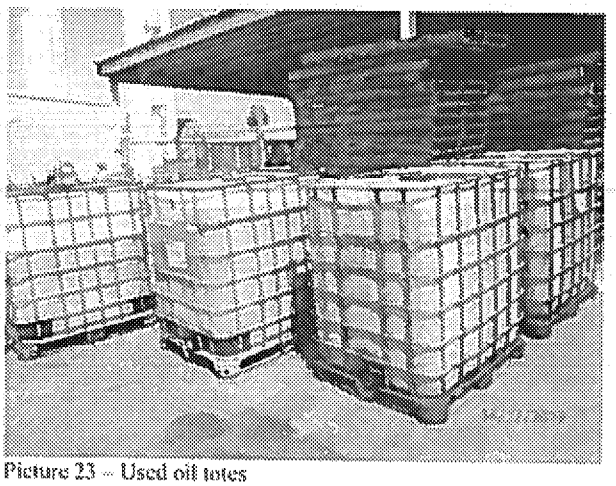
Picture 21 – HWSA metal chains with dried material



Picture 22 – Used oil tote unlabeled

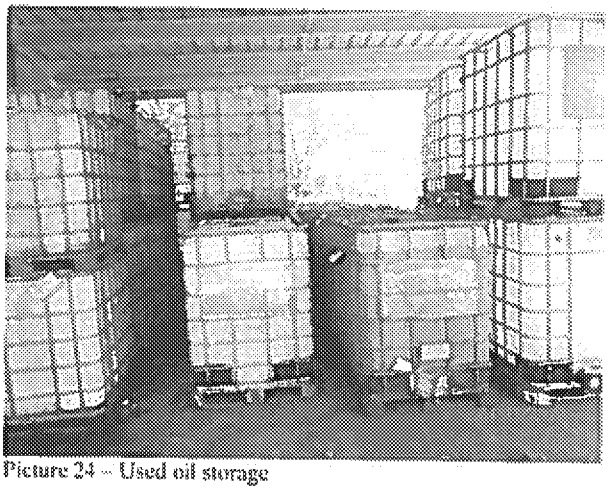


Picture 25 – Used oil filters

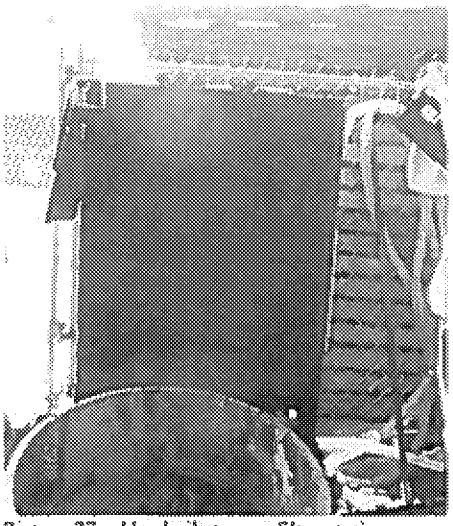


Picture 23 – Used oil totes

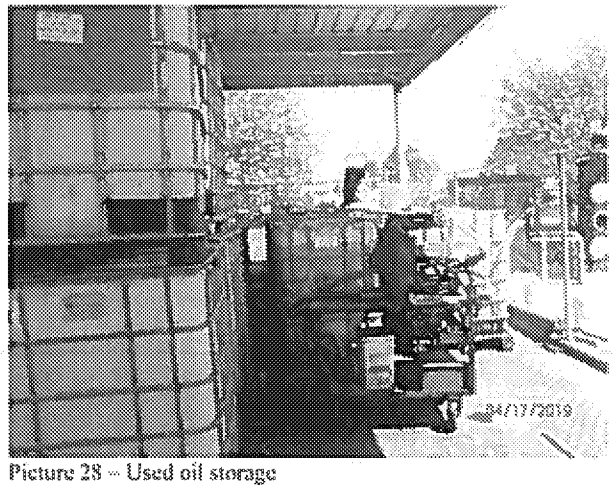
Picture 26 – Used oil storage container open



Picture 24 – Used oil storage

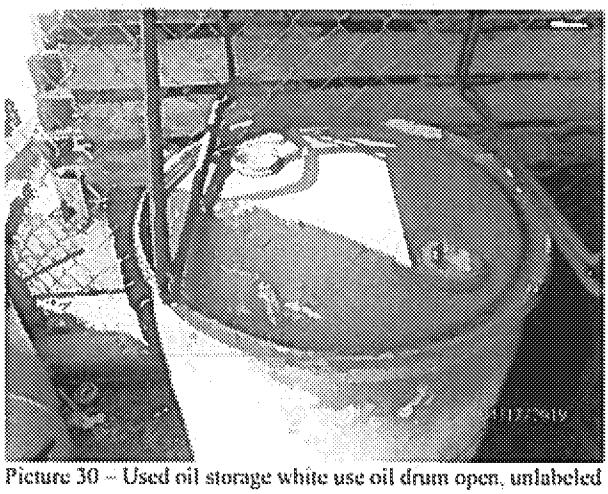


Picture 27 – Used oil storage filter station

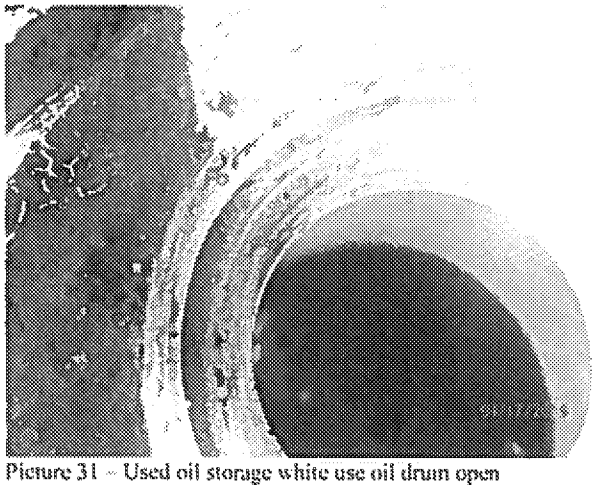


Picture 28 – Used oil storage

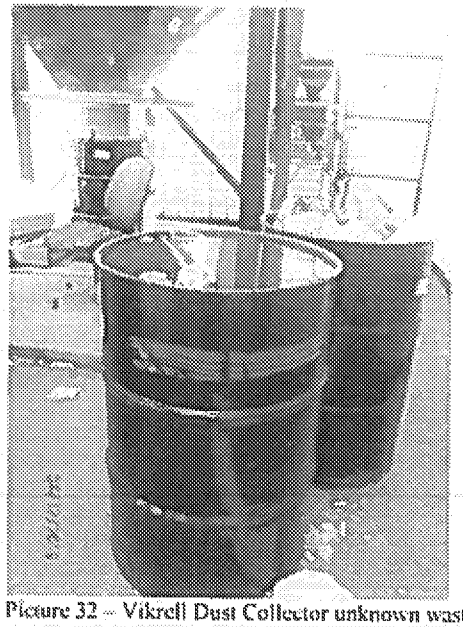
Picture 29 – Used oil storage white use oil drum open, unlabeled



Picture 30 – Used oil storage white use oil drum open, unlabeled

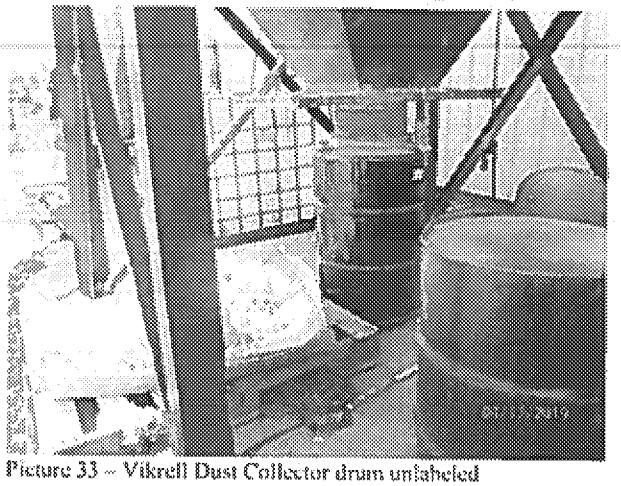


Picture 31 – Used oil storage white use oil drum open

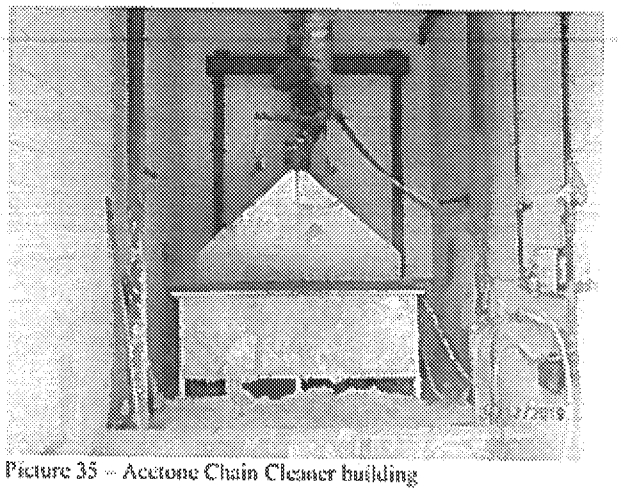


Picture 32 – Vikrell Dust Collector unknown waste drum

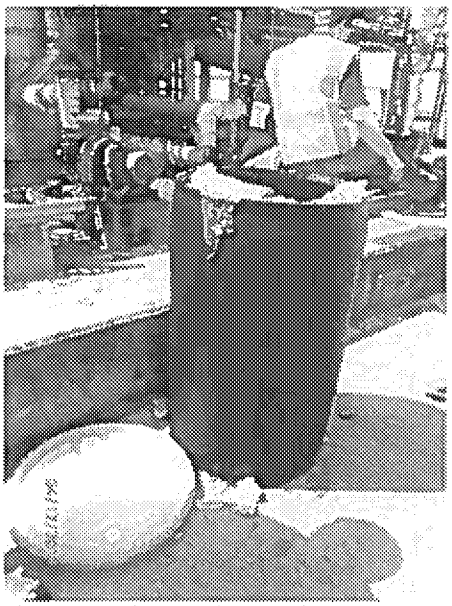
Picture 34 – Vikrell Dust Collector fiberglass waste



Picture 33 – Vikrell Dust Collector drum unlabeled



Picture 35 – Acetone Chain Cleaner building

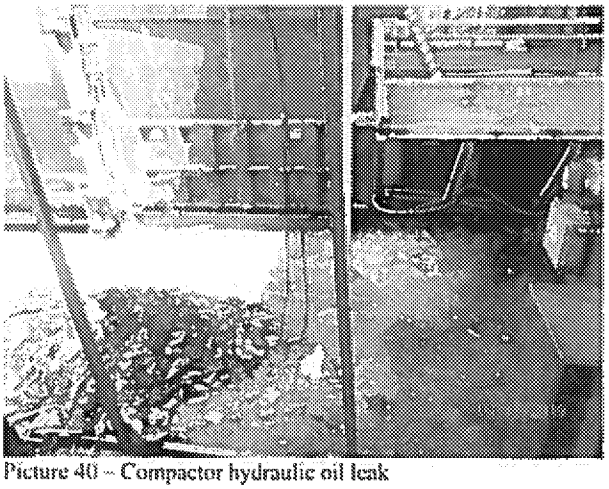


Picture 36 – Silo Containment Pit SAA drum

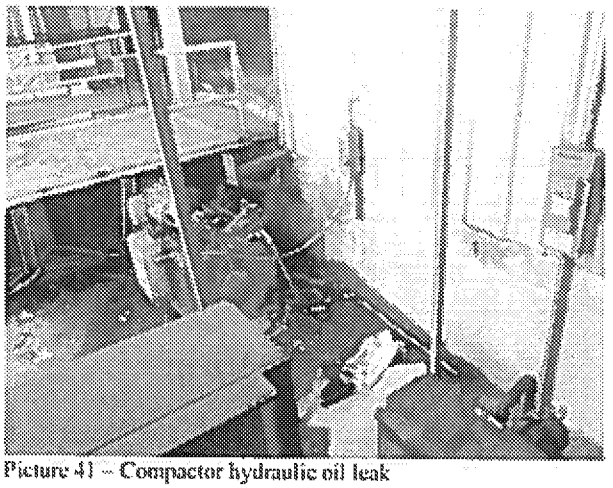
Picture 37 – Silo Containment Pit clamshell SAA open

Picture 38 – Silo Containment Pit clamshell SAA open

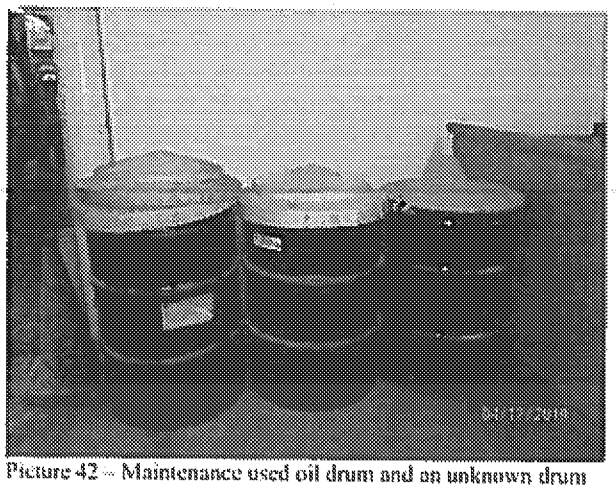
Picture 39 – Stormwater release



Picture 40 – Compactor hydraulic oil leak



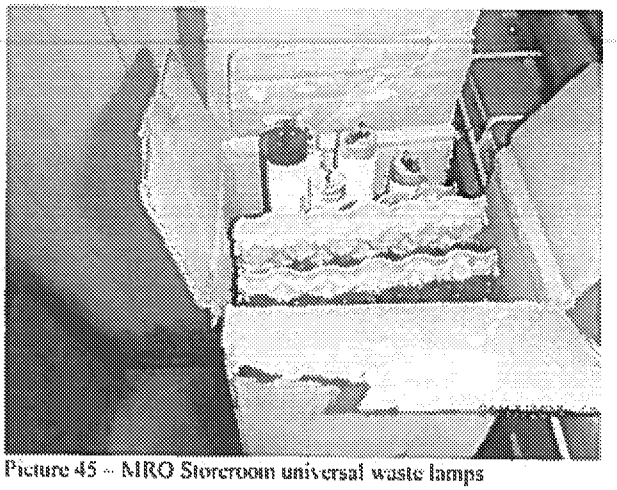
Picture 41 – Compactor hydraulic oil leak



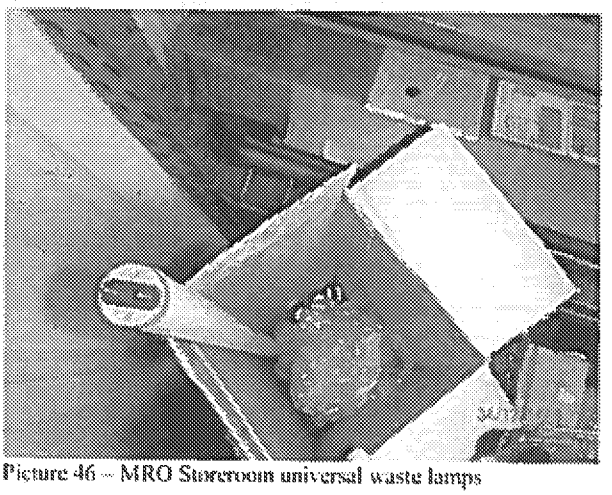
Picture 42 – Maintenance used oil drum and an unknown drum

Picture 43 – Maintenance unknown drum

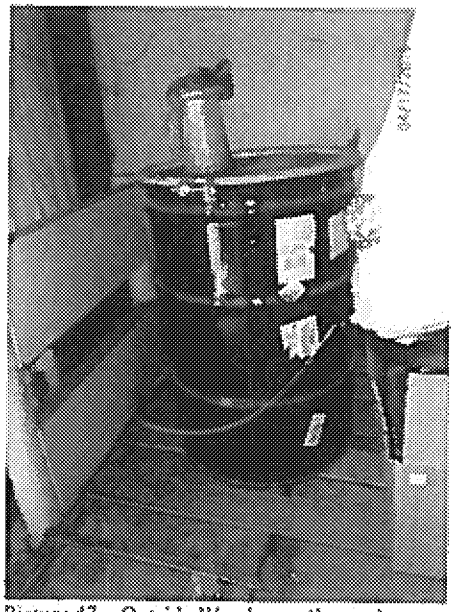
Picture 44 – MRO Storeroom universal waste lamps



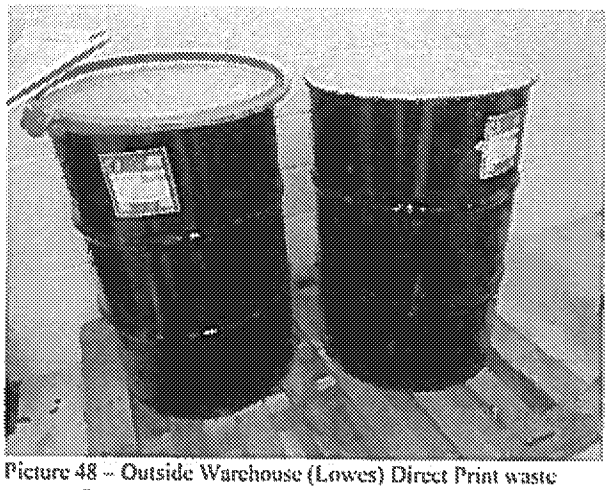
Picture 45 – MRO Storeroom universal waste lamps



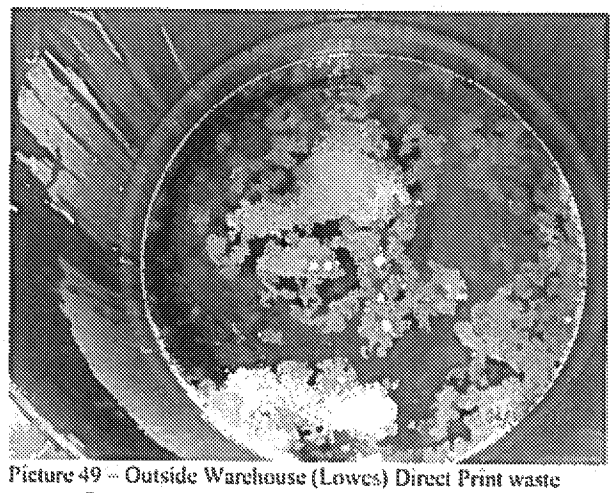
Picture 46 – MRO Storeroom universal waste lamps



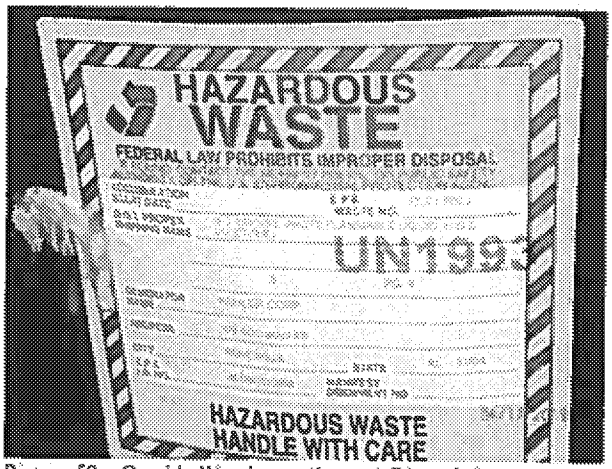
Picture 47 – Outside Warehouse (Lowes) open unlabeled SAA



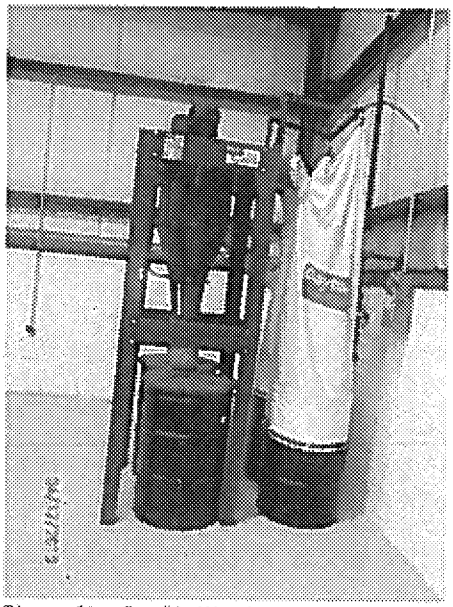
Picture 48 – Outside Warehouse (Lowes) Direct Print waste acetone SAA open



Picture 49 – Outside Warehouse (Lowes) Direct Print waste acetone SAA open



Picture 50 – Outside Warehouse (Lowes) Direct Print waste acetone SAA label



Picture 51 – Outside Warehouse (Lowes) Direct Print central dust collector